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Letter dated 7 September 2010 from the Permanent Representative of Nepal to the United Nations addressed to the Secretary-General

Let me begin by extending my sincere appreciation to you for your continued support in Nepal's peace process.

I have the honour to transmit herewith the letter signed by my Prime Minister Right Honourable Madhav Kumar Nepal with regard to the request of the Government of Nepal for the extension of the term of the United Nations Mission in Nepal (UNMIN) for the next four months from 15 September 2010 as reflected in the letter (see annex).

Let me reiterate once again the firm commitment of the Government of Nepal towards the peace process and taking the country from transition to a lasting peace, stability and development.

(*Signed*) Gyan Chandra **Acharya**
Ambassador
Permanent Representative

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Annex to the letter dated 7 September 2010 from the Permanent Representative of Nepal to the United Nations addressed to the Secretary-General

I have the hour to inform you about the current status of the peace process in Nepal and seek the understanding of the United Nations in taking forward the peace process to its meaningful conclusion.

The Government of Nepal appreciates the valuable support the United Nations has provided to the peace process, especially in carrying out its responsibilities in support of the fulfilment of several mandates. In particular, I would like to express our appreciation for the positive role it played in monitoring the ceasefire following the signing of the Comprehensive Peace Accord, supporting the country's Election Commission for Constituent Assembly elections, including through the observers as well as monitoring of arms and supervision of former Maoist combatants in the cantonments.

With the election of the Constituent Assembly, adoption of the Interim Constitution and formation of the Special Committee and declaration of the Republic, the situation in Nepal has evolved substantially over the years. As such, many of the tasks of the United Nations Mission in Nepal (UNMIN) coming from its original mandates have been either redundant or overtaken by events.

The Special Committee has been duly formed as a consensus body as per the Interim Constitution of Nepal, 2007, the supreme legal document of the country agreed and approved by all the parties, which has incorporated in itself the Comprehensive Peace Accord and the Agreement on Monitoring of the Management of Arms and Armies. With the formation of the Special Committee, which has representation of all major political parties, there are no more both sides as such in the country. It will be recalled that the Comprehensive Peace Accord categorically states that:

> "10.5 The concept and situation of 'two parties' as mentioned in this Agreement shall ipso facto cease to exist after the constitution of the Interim Legislature-Parliament. Thereafter, the obligation to implement, or cause to be implemented, all responsibilities mentioned in this Agreement shall be as provided by the Interim Council of Ministers. It shall be the duty and responsibility of all political parties to extend cooperation in the observance and implementation of this Agreement."

Since the issue of combatants is of great importance to the culmination of the peace process, the Constitution provides a specific role for the Special Committee to look into the issue of combatants comprehensively and decide on its future. The task of integration and rehabilitation within 16 weeks would be duly taken over by the Special Committee, once that is agreed. The Government had already prepared an action plan with benchmarks for the completion of the task of integration and rehabilitation within 16 weeks, which was subsequently reformulated to be completed within even 60 days. Therefore, our understanding is that once there is a mutual understanding among all major political parties, there is no reason why the process cannot be effectively started and substantially taken care of within 60 days.

Similarly, the Nepal Army, being a national army, has been working under the democratic control as per the provisions stipulated in the Constitution. There are

specific constitutional and legal provisions for control, mobilization and management of the Nepal Army. As per the constitutional provisions, there is a detailed action plan, prepared by the cabinet committee under the Defence Minister for the democratization of the Nepal Army, which has already been submitted to the cabinet for its consideration.

It is for these reasons that we would like to see that the mandate of UNMIN focuses itself on the monitoring of management of the Maoist combatants and their arms until the Special Committee takes responsibility of this task. We wish, therefore, to seek the extension of the term of UNMIN to do the above-mentioned task for the next four months from 15 September 2010.

I am sure that you will give due consideration to the views of the Government of Nepal.

(*Signed*) Madhav Kumar **Nepal**